

REMARKS

This amendment is responsive to the non-final Office Action mailed on August 11, 2006. Claims 11, 12, 14-21, 23, and 46-48 are pending. Claims 11, 12, 14-21, and 23 have been amended. Claims 1-8 and 10 have been cancelled. Claims 46-48 represent new claims. In view of the foregoing amendments, as well as the following remarks, Applicants respectfully submit that this application is in complete condition for allowance and request reconsideration of the application in this regard.

Rejections of Claims

Claims 1-8, 10-12, 14-21 and 23 stand rejected under 35 U.S.C. § 102(b) as anticipated by Dahl et al. (U.S. Pub. No. 2002/0130407), hereinafter *Dahl*. Claims 1-8 and 10 have been cancelled. Claim 11 is the sole remaining independent claim subject to this rejection. The Examiner contends that *Dahl* shows or teaches all the features of the rejected claims. Applicants respectfully traverse the Examiner's contention.

In contrast to Applicants' independent claim 11, as amended, *Dahl* fails to disclose or suggest "a second dielectric layer disposed in said opening between said conductive feature and said first dielectric layer, said second dielectric layer comprising a dielectric material that prevents migration of conductive material from said conductive feature through said sidewall and into said first dielectric layer." Support for this amendment to claim 11 is found at the least in paragraph [0030] of Applicants' written description. *Dahl* discloses openings with sidewalls that contact the metallic vias (908, 909). *Dahl* fails to disclose a second dielectric layer that is disposed between the low-k dielectric material of layers (910, 911) and the metallic vias (908, 909). In order for a reference to anticipate a claimed invention, the reference must teach each and every element in the precise arrangement set forth in the claim. If the reference fails to teach even one of the claimed features, the reference does not and cannot anticipate the claimed

invention. Based at least upon the deficiency of *Dahl* identified by the Applicants in the preceding remarks, Applicants respectfully request that the Examiner withdraw this rejection.

New Claims

Claims 46-48 are submitted as new claims. As these claims depend directly or indirectly from a patentable independent claim 11, Applicants submit that claims 46-48 are also patentable. Furthermore, claims 46-48 each recite a combination of elements not disclosed or suggested by the references of record.

Conclusion

Applicants have made a bona fide effort to respond to each and every requirement set forth in the Office Action. In view of the foregoing amendments and remarks, this application is submitted to be in complete condition for allowance and, accordingly, a timely notice of allowance to this effect is earnestly solicited. In the event that any issues remain outstanding, the Examiner is invited to contact the undersigned to expedite issuance of this application.

Applicants do not believe fees are dues in connection with filing this communication. If, however, any fees are necessary as a result of this communication, the Commissioner is hereby authorized to charge any under-payment or fees associated with this communication or credit any over-payment to Deposit Account No. 23-3000.

Respectfully submitted,

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Date

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